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10/567,718	02/08/2006	Eric Richard May	PU030253	4036
24498	7590	05/05/2009	EXAMINER	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/567,718

Filing Date: February 08, 2006

Appellant(s): MAY ET AL.

May et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief¹ filed 2/2/09 appealing from the Office action mailed 6/30/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

¹ It is noted that appellant states that appeal brief heading indicates that the appeal is submitted under abolished 37 CFR 1.192 instead of the current rule 37 CFR 41.37, however, appellants' brief is compliant with the current rule.

2,299,443 Walmsley 10-1942

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 2,299,443 to Walmesly.

Walmesly teaches a wall mounting apparatus/display system comprising a first plate (5) attached to a wall and a second plate (10) attached to visual display (mirror or picture frame, column 1, line 2). The visual display is mounted to the wall by hooking the first and second plates together. The first plate includes an angled portion (9), backstop portion (8) and a flat portion (7). The backstop portion extends between the angled portion and the flat portion. The first plate includes an elongated section (9') which contacts a corresponding elongate section (inner surface of element 10 and located between elements 13-14) of the second plate. The first plate is longer than the second plate (see figure 6). The first plate includes two or more end stops (6 and 15).

(10) Response to Argument

The appellant states "Walmsley does not describe or suggest a wall mounting apparatus including a first plate attached to a wall and a second plate attached to a display, wherein the visual display is mounted to the wall by hooking the first and second plates, such that each plate contacts the other in at least two places." (Brief, page 5) The examiner disagrees with the applicant because Walmsley teaches first plate (5) being attached to the wall (17, figure 3) and the second plate (10) attached to display (18). The first plate and second plate contacts the other in at least two places (9, 14, 9' and 13).

Furthermore, the appellant argues "Walmsley describes a completely different arrangement that teaches away from applicants arrangement, in which two members contact each other in only one place to mount a framed object on the wall." (Brief, page 6) The examiner disagrees with the appellant because Walmsley teaches similar arrangement for connecting two plates together using a hooking structure as cited in claims 1 and 8 in appellant's invention for suspending an object above the floor/ground and mount on a wall surface.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/AJW/

Alfred J. Wujciak

4/29/09

Conferees:

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Darnell Jayne, APS /dj/